

**Attachment G**

**Suspension or Revocation of Authority**

In 2000, Applicant's authority to provide telecommunications services was suspended or revoked in the states of Alabama, Arkansas, and Florida due to the Applicant's inadvertent failure to timely file reporting information. Applicant believes that the oversights were attributable in large measure to changes in responsible personnel and a move of the company's headquarters in March and April of this year.

The Alabama Public Service Commission has reinstated Applicant's authority. See Order, Docket No. 27495 (September 12, 2000). Applicant's request for reinstatement is currently pending before the Arkansas Public Service Commission. See Order No. 5, Docket No. 00-121-U (July 25, 2000). Applicant only recently learned of its Florida revocation and is in the process of correcting deficiencies and, pursuant to Commission practice, re-applying for authority. See Order No. PSC-00-0680-SC-TX, Docket No. 000230-TX (April 12, 2000). Attached hereto are copies of each of these orders.

Applicant is not aware of any other actions involving non-compliance with regulatory requirements. Applicant (or its subsidiaries) has not been denied authority to provide telecommunications services in any state.



STATE OF ALABAMA  
ALABAMA PUBLIC SERVICE COMMISSION  
P.O. BOX 991  
MONTGOMERY, ALABAMA 36101-0991

JIM SULLIVAN, PRESIDENT  
JAN COOK, ASSOCIATE COMMISSIONER  
GEORGE C. WALLACE, JR., ASSOCIATE COMMISSIONER

WALTER L. THOMAS, JR.  
SECRETARY

ALABAMA PUBLIC SERVICE COMMISSION,

DOCKET 27495

v.

DELINQUENT COMPANIES,

Respondents

ORDER

BY THE COMMISSION:

By Order entered in this proceeding in June of 2000, the Certificates of the companies that have not paid the inspection and supervision fees were revoked. Subsequently, Comm South Companies, Inc., d/b/a Alabama Comm South Corp. ("Comm South") petitioned for reinstatement. It appears that a \$200.00 penalty should be assessed but that Comm South's Certificate should be reinstated.

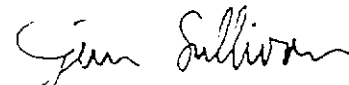
IT IS, THEREFORE, ORDERED BY THE COMMISSION, That a penalty in the amount of \$200.00 is assessed against Comm South Companies, Inc., d/b/a Alabama Comm South Corp. pursuant to §37-2-41 Code of Alabama, 1975.

IT IS FURTHER ORDERED BY THE COMMISSION, That the Certificate to provide Local Exchange Resale Service is hereby reinstated for Comm South Companies, Inc., d/b/a Alabama Comm South Corp.


IT IS FURTHER ORDERED, That this Order shall be effective as of the date hereof.

DONE at Montgomery, Alabama, this 12<sup>th</sup> day of September, 2000.

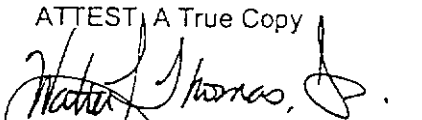
ALABAMA PUBLIC SERVICE COMMISSION

  
Jim Sullivan, President

  
Jan Cook, Commissioner

  
George C. Wallace, Jr., Commissioner

ATTEST, A True Copy

  
Walter L. Thomas, Jr., Secretary

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CHISENHALL FIRM

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A.S.R.

J.M.M.

JUL 25 1 24 PM '00

## ARKANSAS PUBLIC SERVICE COMMISSION

FILED

IN THE MATTER OF UTILITIES FAILING )  
TO FILE ANNUAL REPORTS )DOCKET NO. 00-121-U  
ORDER NO. 5

Appearances: General Staff of the Arkansas Public Service Commission represented by Gregory Glisich, Attorney at Law, Little Rock, Arkansas; no appearance for any of the respondents.

ORDER

On April 21, 2000, the General Staff of the Arkansas Public Service Commission (Staff) initiated this docket by filing a petition pursuant to Rules 10.03 and 10.04 of the Arkansas Public Service Commission's (Commission) *Rules of Practice and Procedure* requesting that the Commission issue a show cause order against certain utilities who have failed to file an annual report of gross earnings from their Arkansas properties for the preceding calendar year as required by Ark. Code Ann. §23-3-109. The utilities alleged by Staff to be in noncompliance with Ark. Code Ann. §23-3-109 are listed in a three page attachment, called Attachment A, to its petition.

Staff's petition states that without the reports of gross earnings as required by Ark. Code Ann. §23-3-109, due to be filed by the end of March each year for the preceding calendar year, the Commission is unable to determine the total gross earnings of all utilities as required by this statute and then levy and collect from each utility subject thereto the annual fee mandated by Ark. Code Ann. §23-3-110.

Ark. Code Ann. §23-3-103 empowers the Commission to enforce compliance with the Arkansas Public Utility Code, which includes the cited statutes, by, among other things, imposing a

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civil sanction of no more than \$1,000 against a utility over which it has jurisdiction and which is found to be in violation of law. In its petition Staff requests that the Commission impose this \$1,000 civil sanction against each of the offending utilities, and, in addition thereto, that the certificates of public convenience and necessity (CCN) of the offending utilities, previously granted by the Commission, be revoked.

On May 16, 2000, Staff filed an amended petition in this docket removing from Attachment A to the original petition the names of several utilities and stating that this show cause petition is withdrawn as to those utilities whose names do not appear on amended Attachment A to the amended petition.

Based on the allegations of Staff's petition and amended petition, an order to show cause was issued on June 14, 2000, ordering the utilities named in amended Attachment A to the amended petition to appear and show cause why their CCN's should not be revoked and a civil penalty in the amount of \$1,000 imposed against each of them for the violation of Ark. Code Ann. §23-3-109. A hearing on this matter was scheduled on July 18, 2000.

Staff filed motions to dismiss its petition against certain of the named utilities on June 21 and July 12, 2000, stating that these named utilities had brought themselves into compliance with the statutory annual report of gross earnings filing requirement subsequent to the issuance of the order to show cause on June 14, 2000. Therefore, based on Staff's motions to dismiss, Order Nos. 3 and 4, issued June 22 and July 14, 2000, respectively, dissolved the order to show cause as to the utilities named therein and dismissed this proceeding as to them.

None of the utilities against which the order to show cause remains in effect has filed any

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written response to either Staff's petition or to the show cause order itself. At the hearing on July 18, 2000, no one appeared on behalf of any of these remaining utilities thus leaving them in total default.

Rule 10.04 of the Commission's *Rules of Practice and Procedure*, applicable to show cause orders initiated by Staff, provides that, "Any respondent failing to answer within the period prescribed shall be deemed in default and in all relevant basic facts stated in said complaint or show cause order shall be deemed admitted, . . . ." The show cause order in this case, Order No. 2, issued June 14, 2000, was timely served on each respondent utility by mail and the twenty (20) day period for answer or response required by Rule 10.04 expired prior to the date of the hearing, July 18, 2000.

Based upon the allegations set forth in Staff's petition for a show cause order, incorporated into the show cause order issued on June 14, 2000, and in accordance with Rule 10.04 of the Commission's *Rules of Practice and Procedure* as hereinabove indicated, it is ORDERED that the CCN's previously granted to the following named respondent utilities authorizing them to provide utility services in the State of Arkansas be, and are hereby, revoked effective with the date of this order:

Accutel Communications, Inc.  
American Tel Group, Inc.  
AR-KAN  
Aircall, Inc.  
ATN Communications, Inc.  
Austin Payphones, L.L.P.  
Buyers United International  
Colorado River Communications Corp.  
Communication Network Services, LLC  
ConnectAmerica, Inc.  
Cyberlight International Inc  
Daveltel, Inc.

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Inacon Communications, Inc.  
Intelcom International Corp.  
LDD, Inc.  
Network One, Inc.  
NOR Communications, Inc.  
Nova Telecom, Inc.  
NTI Telecom, Inc.  
Omnicall  
Paradigm Communications Corp.  
QAI, Inc.  
Satlink 3000  
Speer Comm. Virtual Media, Inc.  
Transnet Connect, Inc.  
TSC Payphone Corp.  
US Network Services, Inc.  
USBG, Inc.  
Vista Group International, Inc.  
World Wide Communications Now LDDS  
Comm. South Companies dba Arkansas Comm. South, Inc.  
Tel-Link LLC  
Transtar Communications

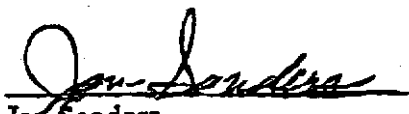
It is further ORDERED that a civil penalty of \$1,000 be, and is hereby, assessed against each of the aforementioned respondent utilities pursuant to Ark. Code Ann. §23-1-103.


The Secretary of the Commission is directed to serve a copy of this order on each of the above named respondent utilities.

Jurisdiction is retained in this matter for such further proceedings or orders as may be necessary or appropriate.

BY ORDER OF THE ADMINISTRATIVE LAW JUDGE PURSUANT TO DELEGATION.

This 25th day of July, 2000.

  
Jan Sanders  
Secretary of the Commission

  
Burl C. Rotenberry  
Administrative Law Judge

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## BEFORE THE FLORIDA PUBLIC SERVICE

### COMMISSION

In re: Initiation of show cause DOCKET NO. 000230-TX  
proceedings against Onyx ORDER NO. PSC-00-0680-SC-TX  
Distributing Company, Inc. d/b/a ISSUED: April 12, 2000  
Florida Comm South for apparent  
violation of Section 364.183(1),  
F.S., Access to Company Records.

### The following Commissioners participated in the disposition of this matter:

JOE GARCIA, Chairman  
J. TERRY DEASON  
SUSAN F. CLARK  
E. LEON JACOBS, JR.  
LILA A. JABER

### ORDER TO SHOW CAUSE

#### BY THE COMMISSION:

Onyx Distributing Company, Inc. d/b/a Florida Comm South (Onyx) is an ALEC certified to operate in Florida pursuant to Certificate Number 4757. As a provider of telecommunications services in Florida, Onyx is subject to the rules and regulations of the Commission.

On June 25, 1999, our staff sent to Onyx a certified letter, requesting information necessary for inclusion in the local competition report required of the Commission by Section 364.386, *Florida Statutes*. On July 6, 1999, Onyx signed for delivery of the letter. Receiving no response, on December 6, 1999, our staff sent a second certified letter, requesting a response from Onyx no later than December 22, 1999. To date, they have not responded to our staff's inquiries.

Section 364.183(1), *Florida Statutes*, provides that we shall have access to all records of a telecommunications company that are reasonably necessary for the disposition of matters within our jurisdiction. The rule further provides that we may require telecommunications companies to provide the requested records to us in the form specified by us.

Pursuant to Section 364.285, *Florida Statutes*, we are authorized to impose upon any entity subject to our jurisdiction a penalty of not more than \$25,000 for each day a violation continues, if such entity is found to have refused to comply with, or to have willfully violated any lawful rule or order of the commission, or any provision of Chapter 364, *Florida Statutes*. Utilities are charged with knowledge of

the Commission's rules and statutes. Additionally, "[i]t is a common maxim, familiar to all minds, that 'ignorance of the law' will not excuse any person, either civilly or criminally," Barlow v. United States, 32 U.S. 404, 411 (1833).

We believe that Onyx's conduct in not providing access to company records, in apparent violation of Section 364.183(1), Florida Statutes, has been "willful" in the sense intended by Section 364.285, Florida Statutes. In Order No. 24306, issued April 1, 1991, in Docket No. 890216-TL titled In re: Investigation into the Proper Application of Rule 25-14.003, Florida Administrative Code, Relating to Tax Savings Refund for 1988 and 1989 For GTE Florida, Inc., having found that the company had not intended to violate the rule, the Commission nevertheless found it appropriate to order it to show cause why it should not be fined, stating that "In our view, willful implies intent to do an act, and this is distinct from intent to violate a rule." Thus, any intentional act, such as Onyx's conduct at issue here, would meet the standard for a "willful violation."

Upon consideration, Onyx shall have 21 days from the date of this order to respond in writing why it should not be fined \$10,000 or have its certificate canceled for apparent violation of Section 364.183(1), Florida Statutes. If Onyx timely responds to the show cause order, this docket shall remain open, pending resolution of the show cause proceeding. If Onyx does not respond to this Order to Show Cause, the fine shall be deemed assessed. If Onyx pays the fine, it should be remitted to the State of Florida General Revenue Fund, pursuant to Section 364.285, Florida Statutes. If Onyx fails to respond to the Order to Show Cause, and the fine is not received within ten business days after the expiration of the show cause response period, Certificate Number 4757, issued to Onyx Distributing Co., Inc. d/b/a Florida Comm South, shall be canceled and this docket closed.

Based on the foregoing, it is therefore

ORDERED by the Florida Public Service Commission that Onyx Distributing Company, Inc. d/b/a Florida Comm South shall show cause in writing within 21 days of the date of this Order why it should not be fined \$10,000 or have its certificate canceled for apparent violation of Section 364.183(1), Florida Statutes. It is further

ORDERED that any response to the Order to Show Cause filed by Onyx Distributing Company, Inc. d/b/a Florida Comm South shall contain specific allegations of fact and law. It is further

ORDERED that failure to respond to this Order to Show Cause in the manner and by the date set forth in the "Notice of Further Proceedings or Judicial Review," attached hereto, shall constitute an admission of the violations described in the body of this Order, as well as a waiver of the right to a hearing, and will result in the automatic assessment of the fine. It is further

ORDERED that if Onyx Distributing Company, Inc. d/b/a Florida Comm South pays the fine, it shall be remitted to the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes. It is further

ORDERED that in the event Onyx Distributing Company, Inc. d/b/a Florida Comm South fails to respond to this Order and the fine is not received within ten business days after the expiration to the show cause response period, Certificate Number 4757 shall be canceled, and this docket shall be closed.

By ORDER of the Florida Public Service Commission this 12th day of April, 2000.

/s/ Blanca S. Bayó  
BLANCA S. BAYÓ, Director

Division of Records and Reporting

*This is a facsimile copy. A signed copy of the order may be obtained by calling 1-850-413-6770.*

( S E A L )



DWC

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), *Florida Statutes*, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, *Florida Statutes*, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

This order is preliminary, procedural or intermediate in nature. Any person whose substantial interests are affected by this show cause order may file a response within 21 days of issuance of the show cause order as set forth herein. This response must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on May 3, 2000.

Failure to respond within the time set forth above shall constitute an admission of all facts and a waiver of the right to a hearing and a default pursuant to Rule 28-106.111(4), *Florida Administrative Code*. Such default shall be effective on the day subsequent to the above date.

If an adversely affected person fails to respond to this order within the time prescribed above, that party may request judicial review by the Florida Supreme Court in the case of any electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting, and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure.

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